

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3378

IN THE MATTER OF:

Served July 20, 1989

Application of METRO MEDICAB, INC.,)
for a Certificate of Public)
Convenience and Necessity—Special)
Operations)

Case No. AP-89-12

By application filed April 4, 1989, Metro Medicab, Inc. (Metro Medicab or applicant), seeks authority to transport passengers in special operations between health care facilities in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District, 1/ restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 passengers or less, including the driver.

A public hearing was held on May 25, 1989, pursuant to Order No. 3317, served April 18, 1989. One company witness and three public support witnesses testified on applicant's behalf. The application is unopposed.

SUMMARY OF THE EVIDENCE

Metro Medicab currently holds WMATC Certificate No. 46 which authorizes the following transportation:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, round-trip or one-way,
transporting persons confined to wheelchairs:

Between medical treatment facilities 2/ located in
the Metropolitan District, on the one hand, and,
on the other, points in the Metropolitan
District.

1/ To the extent that this application could be interpreted to include transportation between points located solely within the Commonwealth of Virginia, the application was dismissed for want of jurisdiction pursuant to the Compact, Title II, Article XII, Section 1(b).

2/ Applicant's representative testified that Metro Medicab did not intend to make a distinction between medical treatment facilities and health care facilities when it substituted the latter for the former in its application.

RESTRICTONS: The service authorized herein is restricted to the transportation of non-ambulatory participants in the Medicaid program of the District of Columbia, and is further restricted to transportation in van-type vehicles specially equipped with ramps and mechanical devices for securing wheelchairs in transit.

Through the instant application Metro Medicab seeks to expand its existing authority to include transportation of persons other than non-ambulatory participants in the District of Columbia Medicaid program.

Mr. John Otis Pickens testified on behalf of the applicant. Mr. Pickens is the president/owner of Metro Medicab and has been associated with that company and its predecessor since 1977. 3/ Mr. Pickens testified that applicant receives requests for service of private-pay individuals on a daily basis. It is not authorized to provide this service.

Metro Medicab currently operates two 1980 and two 1979 vehicles that are specially-equipped with ramps, wheelchair tie-downs, fire extinguishers, and first-aid kits. Two wheelchair passengers and up to eight ambulatory passengers can be transported in each vehicle. Applicant plans to conduct the proposed operations with the same vehicles. Metro Medicab also plans to purchase a new vehicle. Applicant has a regular program of preventive maintenance. Mr. Pickens performs all minor maintenance and sends the vehicles to a garage for major repairs.

In addition to Mr. Pickens, Metro Medicab employs two drivers, an answering service, and a secretary. Two additional drivers would be hired if the application is granted. Applicant's drivers undergo a two-week training period during which they accompany an experienced driver and receive instruction on the proper handling of non-ambulatory individuals.

Applicant would conduct the proposed operations Monday through Saturday between 7:00 a.m. and 6:00 p.m. (holidays excluded). Metro Medicab proposes to charge \$50 for round-trips and \$25 one-way. A \$10 fee will be charged if additional manpower is needed. A \$12.50 cancellation fee will be assessed if service is requested, dispatched and subsequently cancelled.

3/ Mr. Pickens originally operated as a sole proprietor trading as Metro Medicaid. He transferred his certificate to Metro Medicab, Inc., in 1986.

Applicant submitted a balance sheet as of December 31, 1988, showing \$2,750 in cash and \$20,880 in fixed assets, after allowance for depreciation. Current liabilities are listed at \$12,746, with \$9,000 in (long-term) notes payable, 4/ and \$1,884 in earned surplus. Applicant's operating statement for the 12 months ended December 31, 1988, shows income of \$117,805 and operating expenses of \$118,220. Metro Medicab's projection of revenues and expenses for the first year of proposed operations shows \$147,256 in operating revenues with operating expenses remaining constant at \$118,220, resulting in operating income, exclusive of taxes, of \$29,036. Applicant presently carries about 20 to 22 passengers daily. If the authority sought in this application is granted, Metro Medicab expects to transport 10 to 12 additional passengers a day. Mr. Pickens stated that the applicant is familiar with the United States Department of Transportation (USDOT) safety regulations and abides by those regulations. He also testified that applicant is in compliance with the Compact and Commission rules and regulations and plans continued compliance.

The first witness to testify in support of the application was Ms. Carolyn J. Tapscott. Ms. Tapscott is employed as a social worker for Bio Medical Applications of Anacostia, located in Washington, DC. The facility is a dialysis center. The witness is responsible for arranging transportation for patients of the center. Approximately 20 private-pay patients are served on a weekly basis. The center's clientele is comprised of individuals who walk in for treatments and those who require wheelchair assistance. Clients are in need of transportation between points in Washington, DC, and Prince George's County, MD. As new doctors are added to the staff of the facility, transportation may also be required from points in Northern Virginia and Montgomery County, MD. Ms. Tapscott testified that she recently received inquiries for service from several Montgomery County residents. The witness would use the services of applicant if expanded authority is granted.

Ms. Patricia Barbour also testified in support of the application. Ms. Barbour is the transportation coordinator at the National Rehabilitation Hospital (NRH) in Washington, DC. Her responsibilities include making transportation arrangements for private-pay ambulatory and non-ambulatory persons. The witness arranges transportation for 20 to 30 patients on a daily basis requiring transportation between NRH and points in Washington, DC, Northern Virginia, and Prince George's and Montgomery Counties, MD. Twenty-five percent of the hospital's patients are private-pay individuals. The witness would use the proposed services of the applicant if the authority sought in this application is granted. Ms. Barbour testified that she has had difficulty securing adequate transportation services for private-pay individuals.

4/ The \$9,000 in long-term debt is owed to Metro Medicab's president. Mr. Pickens testified that he would not "press" the corporation for repayment of the loan. Mr. Pickens also testified that he is in a financial position to loan applicant an additional \$5,000.

The final witness to testify in support of the application was Ms. Marlene Anita Payne. Ms. Payne is employed as an administrative secretary for the Wisconsin Avenue Nursing Home in Washington, DC. Her duties include making transportation arrangements. Twenty-five percent of the nursing home residents are private-pay ambulatory and non-ambulatory individuals requiring daily trips to medical and clinical appointments at points in Washington, DC, and in Prince George's County, MD. Ms. Payne testified that residents are referred to the nursing home through a central referral bureau and that referrals may require transportation between the nursing home and Montgomery County, MD, and Northern Virginia. The witness would use the services of the applicant if the authority sought in this application is granted.

DISCUSSION AND CONCLUSIONS

In determining whether to grant or expand a certificate of public convenience and necessity, we look to Title II, Article XII, Section 4(b) of the Compact which requires that an applicant prove it is fit, willing, and able to perform the proposed transportation properly and to conform to the provisions of the Compact and the Commission's rules, regulations, and requirements thereunder. Section 4(b) further requires that the applicant prove the proposed service is required by the public convenience and necessity.

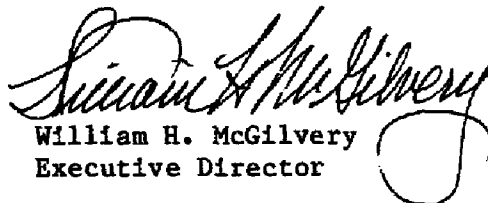
Based on a review of the record, we find Metro Medicab capable of providing the proposed service. Metro Medicab is an experienced passenger-transportation provider. Its president has over 12 years experience. The proposed operations would be conducted in essentially the same manner as current operations. Applicant already has four vehicles that are capable of transporting ambulatory as well as non-ambulatory passengers. It plans to add vehicles if demand dictates. Financial data indicate adequate finances to sustain the proposed operations. Applicant's president indicated a willingness on the part of Metro Medicab to continue to comply with the Compact, Commission rules and regulations and USDOT safety regulations.

The Commission has relied on the criteria set forth in Pan-American Bus Lines Operations (1 MCC 190, 203 [1936]) and its progeny to determine whether an applicant has satisfied its burden of proof that the public convenience and necessity require the proposed service. Three witnesses testified in support of expanded operations by the applicant. They all expressed a need for an additional carrier to transport private-pay ambulatory as well as non-ambulatory passengers from and to medical treatment facilities located in the Metropolitan District. We find that applicant has met its burden of proof that the proposed service will support a useful public purpose for which there is a demonstrated need. No protests were filed, and we infer that the proposed service will not endanger or impair the operations of existing carriers.

THEREFORE, IT IS ORDERED:

1. That Metro Medicab, Inc., is hereby conditionally granted authority, contingent upon timely compliance with the terms of this order, to transport passengers in special operations between medical treatment facilities in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District; restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 passengers or less, including the driver, and further restricted against transportation solely within the Commonwealth of Virginia.
2. That Metro Medicab, Inc., is hereby directed to file with the Commission an original and three copies of its WMATC Tariff No. 2, cancels WMATC Tariff No. 1.
3. That unless Metro Medicab, Inc., complies with the requirement of the preceeding paragraph within 30 days from the service date of this order or such additional time as the Commission may direct or allow, the grant of authority contained herein shall be void, and the application shall stand denied in its entirety, effective upon the expiration of the said compliance time.
4. That upon timely compliance with the requirement of this order, Metro Medicab, Inc., will be issued a revised Certificate of Public Convenience and Necessity No. 46 in the form contained in the Appendix to this order.

BY DIRECTION OF THE COMMISSIONER; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director

NO. 46

METRO MEDICAB, INC.

WASHINGTON, DC

By Order Nos. 1749, 2907, and 3378, of the Washington Metropolitan Area Transit Commission issued September 16, 1977; September 10, 1986; and July 20, 1989;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier for the reasons and subject to the limitations set forth in Order Nos. 1749, 2907, and 3378;

THEREFORE, IT IS ORDERED that the said carrier be, and is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder thereof to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, transporting persons between medical treatment facilities in the Metropolitan District, on the one hand, and on the other, points in the Metropolitan District.

RESTRICTED against transportation between points located solely within the Commonwealth of Virginia.

FURTHER RESTRICTED to transportation of passengers in vehicles that have a manufacturer's designed seating capacity of 15 passengers or less (including the driver).

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous, and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of the certificate.